

***Master Plan Amendment #2018-0009
Rezoning #2018-0004
309 North Patrick Street***

Application	General Data	
Project Name: 309 North Patrick Street	PC Hearing	November 1, 2018
	CC Hearing	November 17, 2018
	Plan Acreage	2,975 SF (.07 acres)
Location: 309 North Patrick Street	Zone	Existing: CL - Commercial Low / Proffer Requested: RB – Residential Townhome
	Historic District	Parker-Gray
Applicant: Zelaya Homes, LLC represented by Mary Catherine Gibbs, attorney	Small Area Plan	Braddock Road Metro Station Small Area Plan

Purpose of Application

Consideration of requests for (A) an amendment to the Braddock Road Metro Station Small Area Plan to amend the land use designation from CL/Commercial Low to RM/Residential Medium; (B) to rezone a lot from CL/ Commercial Low with a proffer to RB/Townhouse; zoned: CL/Commercial Low with proffer to convert an existing office into a single-family attached dwelling unit.

Applicant: Zelaya Homes, LLC, represented by Mary Catharine Gibbs, attorney

Staff Recommendation: APPROVAL, subject to compliance with all applicable codes, ordinances, and recommended conditions within this staff report.

Staff Reviewers:

Tony LaColla, AICP, Land Use Services Division Chief
Ann Horowitz, Principal Planner
Chrishaun Smith, Urban Planner

tony.lacolla@alexandriava.gov
ann.horowitz@alexandriava.gov
shaun.smith@alexandriava.gov

CITY COUNCIL ACTION, NOVEMBER 17, 2018: City Council approved the Planning Commission recommendation.

PLANNING COMMISSION ACTION, NOVEMBER 1, 2018:

On a motion by Vice Chairman Macek, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Master Plan Amendment #2018-0009. The motion carried on a vote of 7-0. On a motion by Vice Chairman Macek, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of REZ #2018-0004. The motion carried on a vote of 7-0.

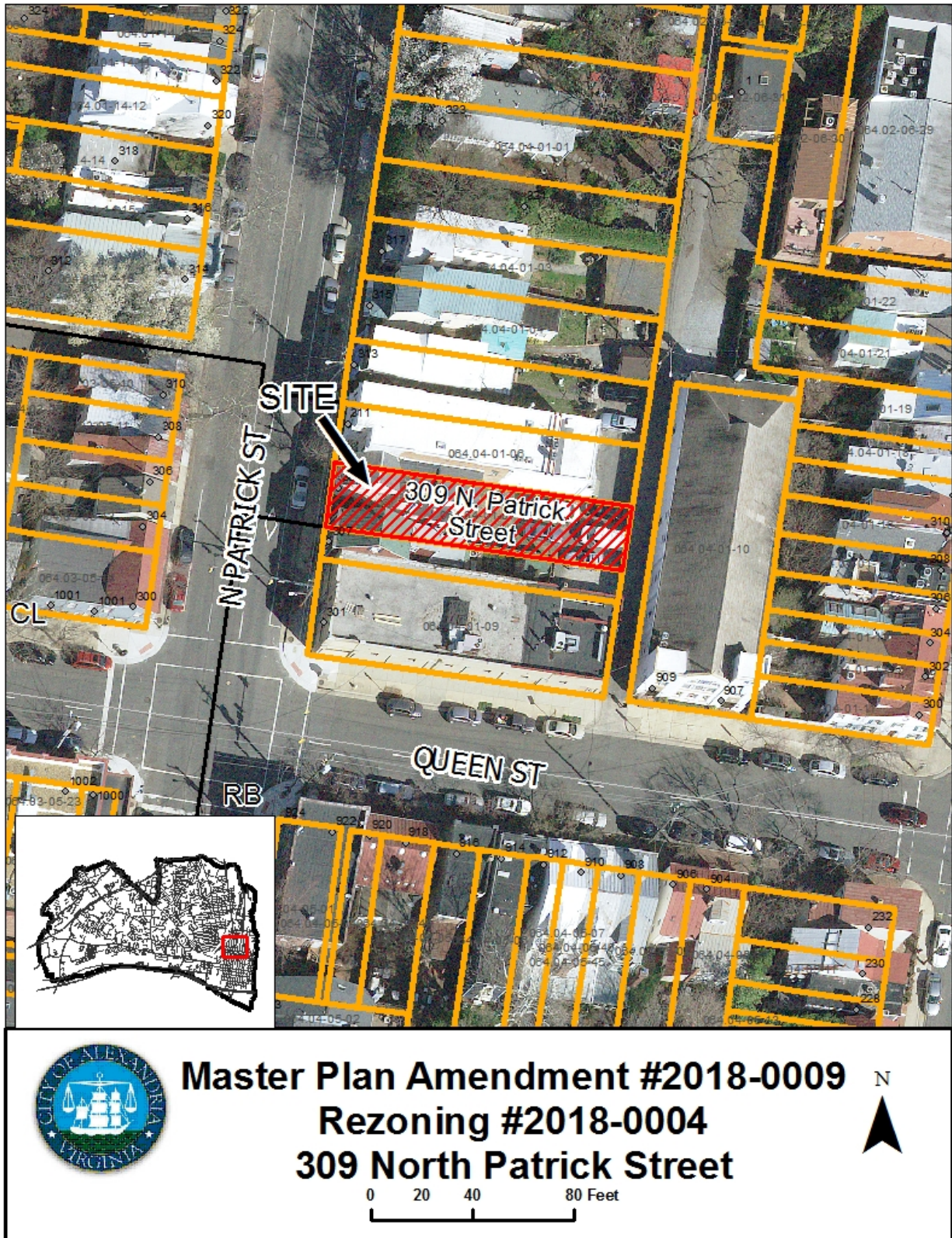
Reason: The Planning Commission agreed with the staff analysis.

Chairwoman Lyman requested that the applicant consult with neighbors prior to constructing an addition on the property. Vice Chairman Macek recommended that the City develop a process that would streamline the conversion of commercial uses to residential uses at properties originally constructed for residential use. Commissioner Brown noted that the building was in a state of significant disrepair, outliving its commercial use. He believed that the proposed rezoning and master plan amendment for residential use would improve the building condition.

Speakers:

Harry P. Hart, attorney for the applicant, expressed support for the application, stating that building would revert to its original use as a residence. He added that the building may be expanded in the future, and it would comply with all zoning and building Code requirements. The applicant would reach out to neighboring properties prior to any redevelopment of the property.

Cliff Davis, expressed concerns about future expansion of the building at 309 North Patrick and its potential impact on the rear parking area of the adjacent funeral home.



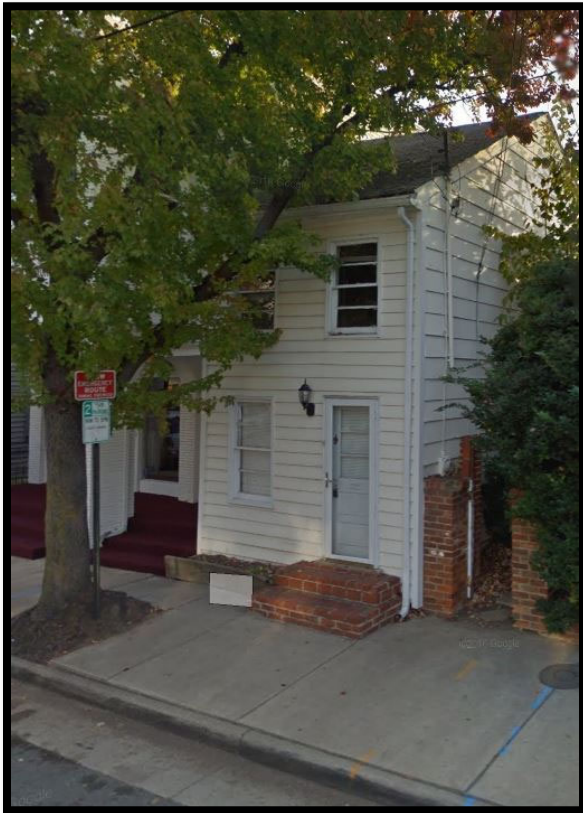
PROJECT LOCATION MAP

I. SUMMARY

A. Recommendation

Staff recommends approval of the request for rezoning and master plan amendment to support the conversion of an existing historic building previously used as an office for the adjacent funeral home to a single-family townhome. The staff analysis concludes that the project conforms to the City's adopted plans and policies. The proposal brings the property more into compliance with the Braddock Road Metro Station Small Area Plan in preserving and strengthening the residential area of the Parker Gray Historic District in the conversion of vacant office space to residential.

B. General Project Description and Summary of Issues



The applicant proposed to change the land use designation and zoning of this 2,975 square foot lot at 309 North Patrick Street from CL/Commercial Low with a proffer to RB/Residential to use the existing building that was most previously used as an office associated with the adjacent funeral home at 311 North Patrick Street to a single-family residential use. The removal of the proffer that was approved with the rezoning in 1999 that restricted the use of this building to an office for the funeral home or for residential uses consistent with the CL zone.

The following key issues were evaluated as part of the staff analysis and are addressed within this report:

- Conformance with the Small Area Plan and City policies
- Site design and building architecture
- Open space
- Parking
- Community engagement

II. BACKGROUND

The project site consists of one 2,975 square foot parcel located at northeast of the intersection of North Patrick and Queen Streets within the Parker-Gray Historic District. The site is zoned is currently zoned CL/commercial low with a proffer. The subject property is adjacent to another

single-family house at 307 North Patrick Street and the funeral home to the north. The rear property abuts an alley and the Ebenezer Baptist Church, which fronts on Queen Street.

The site is a typical historic district lot with a two-story frame house dating from the late 1800s and was used as a single-family dwelling. The house was condemned by the city in June 1998 because the building had been vacant for several years and was unsecured. The adjacent funeral home operator purchased 309 N. Patrick Street in August 1998 to provide a separate, private office for clients planning funeral services. In order to use the building as an office, a rezoning to CL with a proffer and master plan amendment was approved by City Council in June 1999. This rezoning changed the zoning classification from RB/Residential Townhome to CL/Commercial Low, while restricting the use of the property through proffer to an office in connection with the adjacent funeral home at 311 North Patrick Street and to residential use to development under the CL zone development standards. Concurrently, City Council also approved a master plan amendment that changed the land use designation from RM/Residential Medium to CL/Commercial Low within the Braddock Road Metro Station Small Area Plan. This proposed rezoning and master plan amendment would remove the proffer and return the property to zoning and master plan classification that existed prior to the 1999 rezoning.

III. ZONING

The parcel at 309 N. Patrick Street is zoned CL/Commercial Low with proffer. This zone allows for a range of small scale commercial services uses and residential development as either permitted or special uses.

Zoning Noncompliance

As mentioned, as the property is currently zoned CL, it can be developed per the approved proffer with a residential use subject to the standards of the CL zone. However, this property would be noncompliant with the CL zone requirements for the operation of the building as a residential use. The CL zone allows for semi-detached residential uses on a lot with a minimum of 5,000 square feet; 37.5 feet of frontage as measured from the building line and front lot line; a maximum .75 FAR; and 40% of lot area dedicated to open space. The existing lot has less than the minimum lot area, lot frontage requirements, and open space for a semi-detached residential dwelling which would preclude the conversion of the existing historic building to its original use as a residential dwelling in compliance with the CL zone regulations. Rezoning this property to RB would bring the property into compliance with Section 3-705 (density and lot requirements) and Section 3-706 (bulk and open space regulations) of that zone.

Table 1 - Zoning

Table 1: Zoning Information			
Property Address: 309 North Patrick Street			
Total Site Area: 2,975 square feet (.07 acres)			
Current Zone: CL; Commercial low zone (with proffer)			
Proposed Zone: RB; Townhouse zone			
Current Use: Office for adjacent funeral home			
Proposed Use: Townhouse			
	Existing	Permitted / Required (CL)	Permitted/Required (RB)
FAR	0.49	0.75	0.75
Front Yard setback	0	20	Front building line
Side Yard setback	8	1:3 setback ratio (min 8 feet)	5 feet
Rear yard setback	63	1:1 setback ratio (min 8 feet)	1:1 setback ratio (min 8 feet)
Parking	2 spaces	2 spaces	2 spaces
Open Space	841 SF (28%)	1190 SF (40% of lot area)	800 SF

IV. STAFF ANALYSIS

A. Conformance with the Braddock Road Metro Station Small Area Plan

The site is located within the Braddock Road Metro Station Area Plan boundary. The plan was adopted in 1992, and advocates for planning policies that strengthen the residential areas within the Parker-Gray neighborhood.

The proposal is compatible with the goals and objectives of the Braddock Road Metro Station Small Area Plan. The rezoning further exemplifies plan area goals through:

- Encouraging stability in the existing residential area by converting a commercial use to a residential use, consistent with the majority of the surrounding parcels.
- Decreasing traffic impacts in the conversion of an office building to a private residential use.
- Conversion of this house and any exterior renovation or addition would be required to vigorously adhere to the standards of the Parker Gray Historic District, further adhering to the standards of the small area plan.

The Small Area Plan provides guidance for development along within this area of Parker-Gary, a well-established residential neighborhood. This not only includes retaining the historic character of the neighborhood but also ensures that the existing residential structure is retained, renovated, and protected. from commercial encroachment. Rezoning this property and converting this structure back to its historic use would further align with these plan goals.

B. Building Design and Board of Architectural Review

Building Addition or Exterior Renovation – Parker-Gray Historic District BAR

The property is located within the boundaries of the Parker-Gray Historic District. The property is a modest, two-story framed gable structure constructed as a residence. Any proposed renovation that would result in exterior alterations including signage, lighting, window replacement, siding replacement, fences, walls and the like, visible from the public right-of-way, as well as any demolition or encapsulation greater than 25 square feet, regardless of visibility, require review and approval by the Parker-Gray Board of Architectural Review. Compliance with the guidelines of the historic district would be evaluated at the time of application of building permit.

V. COMMUNITY

On October 4th, the applicant and staff sent emails to the West Old Town Civic Association to explain the nature of the proposal, requesting comments regarding the project. The applicant also conducted outreach with the surrounding neighbors to the property.

VI. CONCLUSION

Staff recommends approval of the request for rezoning and master plan amendment to convert an existing historic building previously used as an office for the adjacent funeral home to a single-family townhome subject to compliance with all applicable codes and the following staff recommendations.

Attachment 1: Resolution No. MPA 2018-00009

Staff: Tony LaColla, AICP, Land Use Services Division Chief
Ann Horowitz, Principal Planner
Chrishaun Smith, Urban Planner

VII. City Department Comments

Transportation & Environmental Services:

No comments.

Code Enforcement:

C-1 A building permit and certificate of occupancy are required for the conversion of a structure that is currently being classified as office space to residential use. The applicant will need to apply for a building permit to complete this change in use group classification prior to completing this conversion.

Fire:

No comments or concerns.

Health:

No comments.

Parks and Recreation:

No comments received.

Police Department:

No comments received.



APPLICATION

☐ Master Plan Amendment MPA# _____

☐ Zoning Map Amendment REZ# _____

PROPERTY LOCATION: 309 N. Patrick St.

APPLICANT

Name: Zelaya Homes, LLC

Address: PO BOX 7433, ALEXANDRIA VA 22307

PROPERTY OWNER:

Name: Zelaya Homes, LLC

Address: PO BOX 7433, ALEXANDRIA VA 22307

Interest in property:

☒ Owner ☐ Contract Purchaser

☐ Developer ☐ Lessee ☐ Other _____

If property owner or applicant is being represented by an authorized agent such as an attorney, a realtor, or other person for which there is some form of compensation, does this agent or the business in which they are employed have a business license to operate in Alexandria, VA:

☒ yes: If yes, provide proof of current City business license.

☐ no: If no, said agent shall obtain a business license prior to filing application.

THE UNDERSIGNED certifies that the information supplied for this application is complete and accurate, and, pursuant to Section 11-301B of the Zoning Ordinance, hereby grants permission to the City of Alexandria, Virginia, to post placard notice on the property which is the subject of this application.

Mary Catherine Gibbs, Hart & Gibbs, PC

Print Name of Applicant or Agent

Mary Catherine Gibbs
Signature

700 N. Fairfax St., Suite 600

Mailing/Street Address

703-836-5757 703-548-5443

Telephone # Fax #

Alexandria, VA 22314

City and State Zip Code

July 23, 2018

Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received: _____

Fee Paid: \$ _____

Legal advertisement: _____

ACTION - PLANNING COMMISSION _____

ACTION - CITY COUNCIL: _____

MPA # _____

REZ # _____

SUBJECT PROPERTY

Provide the following information for each property for which an amendment is being requested. (Attach separate sheets if needed.)

Address Tax Map - Block - Lot	Land Use Existing - Proposed		Master Plan Designation Existing - Proposed		Zoning Designation Existing - Proposed		Frontage (ft.)
							Land Area (acres)
1 064.04-01-07	Office	Residential	CL	CL	CL	CL	25 feet
					w/ proffer	w/ proffer	2975 sq. ft.
2							
3							
4							

PROPERTY OWNERSHIP☐ Individual Owner☒ Corporation or Partnership Owner

Identify each person or individual with ownership interest. If corporation or partnership owner, identify each person with more than 10% interest in such corporation or partnership.

- Name: Jay Zelaya Extent of Interest: 100%
 Address: PO BO X 7433, ALEXANDRIA VA 2207
- Name: _____ Extent of Interest: _____
 Address: _____
- Name: _____ Extent of Interest: _____
 Address: _____
- Name: _____ Extent of Interest: _____
 Address: _____

MPA # _____
REZ # _____

JUSTIFICATION FOR AMENDMENT

(attach separate sheets if needed)

1. Explain how and why any proposed amendment(s) to the Master Plan are desirable, beneficial to surrounding properties, in character with the applicable Small Area Plan and consistent with City policies:

The applicant is simply seeking to use the existing residential building as its historic residential use. When the property was rezoning to CL for the funeral home to use it as an office, the proffer attached to the use is for "an office in connection with the adjacent funeral home at 311 N. Patrick St., and for residential uses as permitted under the CL, commercial low, zone. The City has determined that this house doesn't qualify technically to be used as a residential use in the CL zone. The applicant would like to change the proffer to permit the historically residential use of the property to be restored, as it was contemplated in the rezoning in 1999.

2. Explain how and why the proposed amendment to the Zoning Map(s) is consistent with the proposed amendment to the Master Plan, or, if no amendment to the Master Plan is being requested, how the proposed zoning map amendment is consistent with the existing Master Plan:

The proposed amendment to the proffer is completely consistent with the Master Plan as it was amended in 1999, as that amendment contemplated that the residential use of the property could be maintained if the property was no longer used as an office for the funeral home, but technically, the City has found the building doesn't comply with the CL zone for residential uses. We'd like the residential use of the existing historic structure to be restored and recognized as a residential use in the CL zone.

3. Explain how the property proposed for reclassification will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire, drainage structures, refuse disposal, water and sewers, and schools.

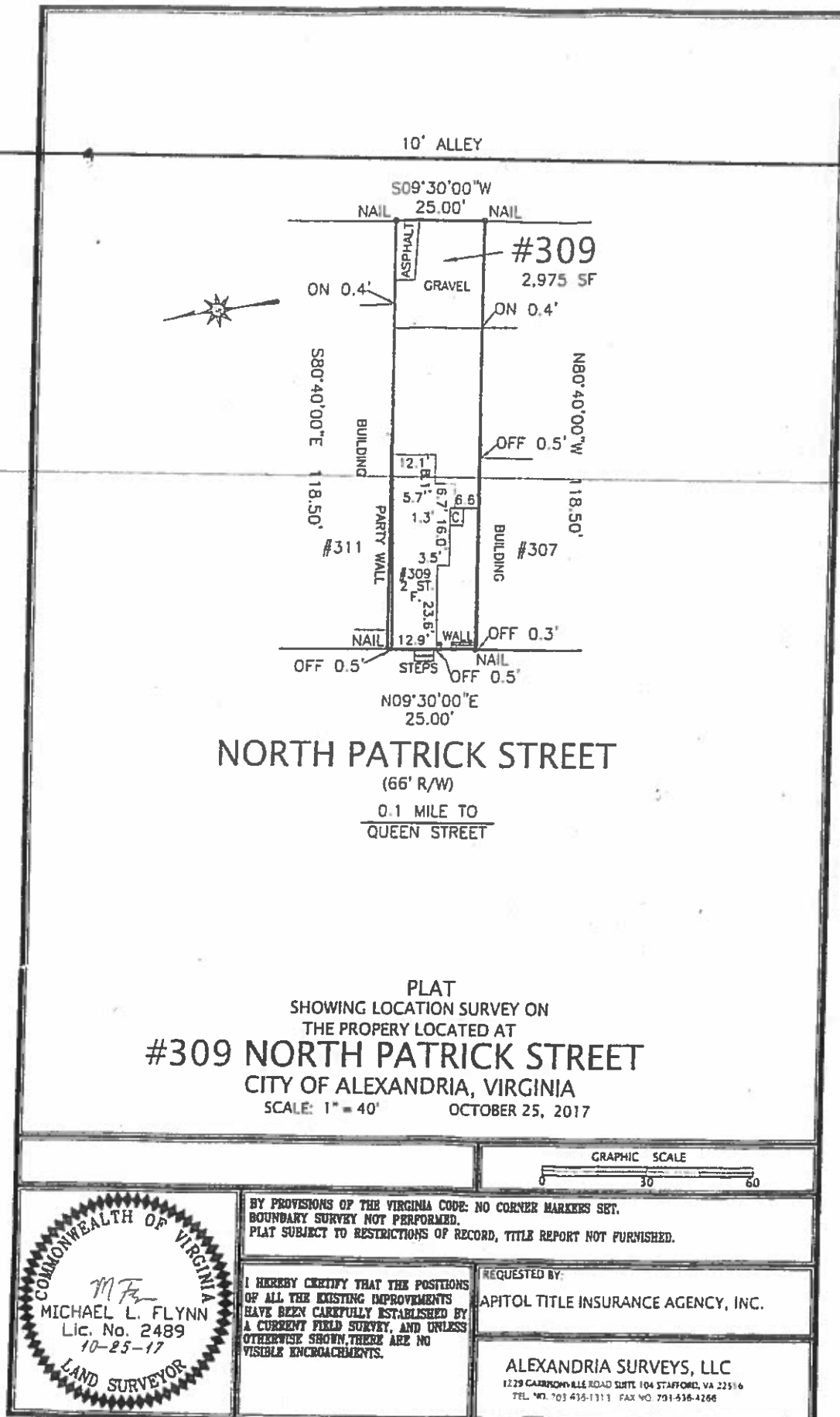
N. Patrick Street is more than adequately served by essential public facilities and service.

4. If this application is for conditional zoning approval pursuant to Section 11-804 of the Zoning Ordinance, identify all proffered conditions that are to be considered part of this application (see Zoning Ordinance Section 11-804 for restrictions on conditional zoning):

We would like the proffer to simply be amended to allow the existing residential building to be recognized as a residential use in the CL zone, and to permit the use to be utilized subject to the zoning parameters for single family uses in the CL zone, subject to the property's current lot size, width and frontage that has existed with this property from the late 1800's.

309 N. Patrick St., Legal Description

Beginning on the East side of Patrick Street 50 North of Queen Street and running North on Patrick Street 25 feet, thence East 118.50 feet to a 10 foot alley; thence South with said alley 25 feet and thence West and parallel with Queen Street 118.5 feet to the point of beginning, with the use and right of way over said alley in common with others entitled thereto.



#14952

309 N. Patrick Street

Vicinity Map



From Tax Map No. 064.04-01-07

309 N. Patrick Street

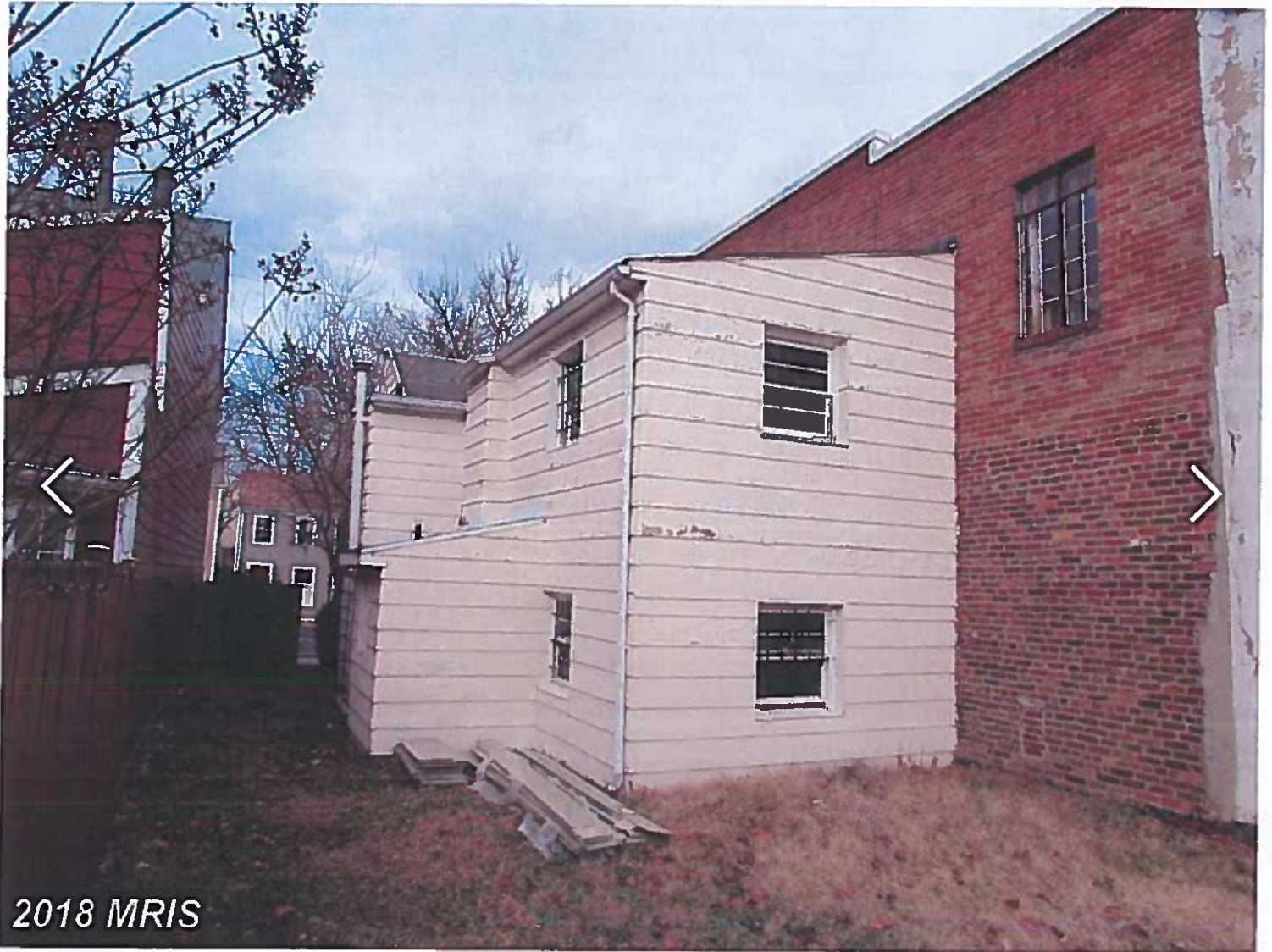
Buildings and Structures Map



From GIS Parcel Viewer for 309 N. Patrick St.



1413
Street View



2018 MRIS



2 of 3
Street View



3 of 3
Street View

October 4, 2018

Zelaya Homes, LLC
950 N. Washington St #100
Alexandria, VA 22314

Reference: Rezoning Amendment Application for 309 N. Patrick St, Alexandria VA 22314

Thank you for sharing your plans and intentions for the re-instatement of the residential use of the 309 N. Patrick St home. We understand the City of Alexandria approval is required to use the existing structure as a residence. As a resident and neighbor, I (we) are writing to express our support for the re-instatement and future use of the property on 309 N. Patrick St as a residence for residential use.

We further believe that the proposed use falls within the characteristics of neighboring properties of the Parker Gray neighborhood, will be an improvement over the existing structure and should have a positive effect on home values and the neighborhood quality.

I, (we) are in support and hereby express that this letter be forwarded to the City of Alexandria.

Sincerely,

Hayley Gefeil
Signature

Hayley Gefeil
Printed Name

Next door neighbor
Proximity of 309 N. Patrick St

307 North Patrick St. Alexandria, VA
You Address

22314

October 29, 2018

Zelaya Homes, LLC
950 N. Washington St #100
Alexandria, VA 22314

Reference: Rezoning Amendment Application for 309 N. Patrick St, Alexandria VA 22314

Thank you for sharing your plans and intentions for the re-instatement of the residential use of the 309 N. Patrick St home. We understand the City of Alexandria approval is required to use the existing structure as a residence. As a resident and neighbor, I (we) are writing to express our support for the re-instatement and future use of the property on 309 N. Patrick St as a residence for residential use.

We further believe that the proposed use falls within the characteristics of neighboring properties of the Parker Gray neighborhood, will be an improvement over the existing structure and should have a positive effect on home values and the neighborhood quality.

I, (we) are in support and hereby express that this letter be forwarded to the City of Alexandria.

Sincerely,

 + 
Signature

SANDRA CAUGHLIN + Michael Gardiner
Printed Name

~~309 N. PATRICK ST~~ SAME BLOCK
Proximity of 309 N. Patrick St

316 N. PATRICK ST ALEXANDRIA, VA 22314-2443
You Address

October 29th, 2018

Zelaya Homes, LLC
950 N. Washington St #100
Alexandria, VA 22314


Reference: Rezoning Amendment Application for 309 N. Patrick St, Alexandria VA 22314

Thank you for sharing your plans and intentions for the re-instatement of the residential use of the 309 N. Patrick St home. We understand the City of Alexandria approval is required to use the existing structure as a residence. As a resident and neighbor, I (we) are writing to express our support for the re-instatement and future use of the property on 309 N. Patrick St as a residence for residential use.

We further believe that the proposed use falls within the characteristics of neighboring properties of the Parker Gray neighborhood, will be an improvement over the existing structure and should have a positive effect on home values and the neighborhood quality.

I, (we) are in support and hereby express that this letter be forwarded to the City of Alexandria.

Sincerely,



Signature

Cordelia W. Farrell
Printed Name

Across the Street
Proximity of 309 N. Patrick St

322 N Patrick St, Alexandria VA 22314
You Address

October ____, 2018

Zelaya Homes, LLC
950 N. Washington St #100
Alexandria, VA 22314

Reference: Rezoning Amendment Application for 309 N. Patrick St, Alexandria VA 22314

Thank you for sharing your plans and intentions for the re-instatement of the residential use of the 309 N. Patrick St home. We understand the City of Alexandria approval is required to use the existing structure as a residence. As a resident and neighbor, I (we) are writing to express our support for the re-instatement and future use of the property on 309 N. Patrick St as a residence for residential use.

We further believe that the proposed use falls within the characteristics of neighboring properties of the Parker Gray neighborhood, will be an improvement over the existing structure and should have a positive effect on home values and the neighborhood quality.

I, (we) are in support and hereby express that this letter be forwarded to the City of Alexandria.

Sincerely,

Signature _____

Leslie Rogers

306 No PATRICK ST
Proximity of 309 N. Patrick St

St Alexandria VA 22314

You Address

RESOLUTION NO. **MPA 2018-00009**

WHEREAS, under the Provisions of Section 9.05 of the City Charter, the Planning Commission may adopt amendments to the Master Plan of the City of Alexandria and submit to the City Council such revisions in said plans as changing conditions may make necessary; and

WHEREAS, an application for amendment to the Braddock Road Metro Station Small Area Plan chapter of the 1992 Master Plan was filed with the Department of Planning and Zoning on October 15, 2018 for changes in the land use designations to the parcels at 309 North Patrick Street and

WHEREAS, the Department of Planning and Zoning has analyzed the proposed revision and presented its recommendations to the Planning Commission; and

WHEREAS, a duly advertised public hearing on the proposed amendment was held on November 1, 2018 with all public testimony and written comment considered; and

WHEREAS, the Planning Commission finds that:

1. The proposed amendment is necessary and desirable to guide and accomplish the coordinated, adjusted and harmonious development of the Braddock Road Metro Station Small Area Plan section of the City; and
2. The proposed amendment is generally consistent with the overall goals and objectives of the 1992 Master Plan and with the specific goals and objectives set forth in the Braddock Road Metro Station Small Area Plan chapter of the 1992 Master Plan; and
3. The proposed amendment shows the Planning Commission's long-range recommendations for the general development of the Braddock Road Metro Station Small Area Plan; and
4. Based on the foregoing findings and all other facts and circumstances of which the Planning Commission may properly take notice in making and adopting a master plan for the City of Alexandria, adoption of the amendment to the Braddock Road Metro Station Small Area Plan chapter of the 1992 Master Plan will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the residents of the City;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Alexandria that:

1. The following amendment is hereby adopted in its entirety as an amendment to the Braddock Road Metro Station Small Area Plan chapter of the 1992 Master Plan of the City of Alexandria, Virginia in accordance with Section 9.05 of the Charter of the City of Alexandria, Virginia:

Amendment to Map 10/Braddock Road Metro Station Land use, as amended to change the land use designation from CL (Commercial Low) to RM (Residential Medium) for property addressed as 309 N. Patrick Street.

2. This resolution shall be signed by the Chairman of the Planning Commission and attested by its secretary, and a true copy of this resolution forwarded and certified to the City Council.

ADOPTED the 1st day of November 2018.



Mary Lyman, Chair
Alexandria Planning Commission

ATTEST:


Karl Moritz, Secretary

Gloria Sitton

From: website <webmaster@alexandriava.gov>
Sent: Thursday, November 15, 2018 10:35 AM
To: Gloria Sitton
Subject: City Council speaker's form submission received

Follow Up Flag: Follow up
Flag Status: Flagged

Meeting Date: 11/17/2018
Docket Item# 5

Speaker's Name: Harry P. "Bud" Hart
Phone #: 7038365757
Email: budhart@hartlanduselaw.com
Address: 700 N. Fairfax St., Suite 600

Representing self? No
If representing other: The Applicant

Position on the item: For

Nature of interest: Attorney

Are you being compensated? Yes